

Chief Adviser's address to nation

Curfew must be lifted at the earliest

CHIEF Adviser Fakhruddin Ahmed in his brief address to the nation on Wednesday sought the cooperation of the people toward a restoration of normal conditions in the country. In the course of his remarks, he reassured the nation that the curfew imposed on the capital and other urban centres was a temporary measure and would be withdrawn once the situation improved.

While we welcome the CA's statement, we cannot but point out here that curfews cannot be a long-term measure towards ensuring law and order. It is, therefore, imperative that the curfew in force be lifted at the earliest. The duration of the curfew must be as limited in nature as possible, indeed should be curtailed in order for normal life to resume.

Such drastic steps, while they may become necessary in extraordinary circumstances, have a bad effect on livelihood. Those who lead lives as daily wage earners, such as rickshaw pullers and scooter drivers, find themselves in a straitjacket when a curfew or similar restrictive measure is in force. There is too the question of how countless numbers of people are deprived of medical treatment because of a shutdown of drugs shops during a curfew. The supply of daily necessities is also important.

Overall, a curfew brings life in general to a halt, with all its attendant results. We are happy that it was lifted for three hours yesterday and may also be done again for a similar if not a longer period. We hope these steps are a prelude to its ultimate lifting.

One cannot of course ignore the reasons behind the imposition of such a drastic measure by the government. The level of violence that erupted in the nation's capital as well as other places in the country following a clear resolution of the issue of the army camp at Dhaka University has been totally inexplicable, unacceptable and unwarranted. The vandalism that was demonstrated all over Dhaka on Wednesday left the nation in a state of disbelief and shock. With scenes of unmitigated violence in such places as Mirpur, Satmasjid Road and other places repeatedly shown on the television channels, it became clear that vandalism had been let loose and strong steps needed to be put in place to roll back the violence. The imposition of a curfew, from such a perspective, is therefore understandable. And yet let us note once more that thoughts should be given to its lifting at the earliest in order for people to go about their daily business.

There is today a paramount need for peace and normal conditions to be restored in the country. In this context, we have noted the timely statement issued by seven eminent citizens. Their appeal for a peaceful approach to the issues that we face and their emphasis on not losing sight of the bigger goal of democracy is a message that all of us can build on. At this critical moment in Bangladesh's history, the need for introspection and calm cannot be over-emphasised.

Waiver on journalists' movement

Implementation on the ground sorely missed

SORDID tales abounded of journalists being harassed on their way back home on the first night of the curfew and the following morning when they set out for their work places.

Microbuses and three-wheelers going to pick them up from their residences yesterday were stopped on the way which was not unexpected in the present situation but the mind boggling thing was the drivers in some cases were harassed and man-handled and forced to go back to their points of origin. This happened despite press identity being strapped in bold letters across the bonnets of transports and the journalists themselves showing their identity cards on demand. Some journalists despite revealing their identity, were even detained in police stations before being let off at late hours. The attitude and body language were clearly uncooperative and even hostile, to put it mildly. Of course, some law-enforcers were more abrasive than others. Such reports need to be gone into by the higher authorities to avert repetition.

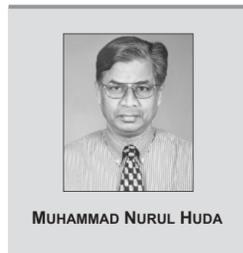
Those law enforcers did all this in clear violation of government instructions allowing free movement of journalists along with that of certain essential service people having been repeatedly broadcast over radio and TV. The newspapers had also carried the waiver list prominently.

For some inexplicable reasons, the government instructions apparently did not permeate the lower levels where it matters most or that the wayward acted individually in an arrogant manner. One wonders what is the point in disseminating government directives if these do not reach the operatives on the ground who are meant to implement them.

Such unexpected and unwarranted highhandedness of some law enforcers towards journalists can only affect the image of the government negatively. In allowing the journalists to move freely in discharge of their duties at a time like this is all the more important for the government and the public to be kept informed of what's happening. The present situation and the post-flood perspective add a compelling dimension to the right to information.

A PID handout yesterday reiterated in categorical terms that identity cards of journalists issued by their respective offices will be treated as curfew pass. There should not be any more ambiguity on this point. We hope effective steps will be taken so that journalists are not harassed any further.

Abuse of authority and the invitational edge



MUHAMMAD NURUL HUDA

GIVEN the fact that the police have discretionary authority to institute proceedings that the population finds inconvenient or costly, there are obviously many opportunities for officers to abuse their discretion by accepting or demanding bribes to "turn a blind eye." Thus, in many societies citizens are expected to offer bribes to avoid tickets for traffic violations, or to speed up the processing of some administrative task for which the police are responsible.

The above rarely occurs in isolation: in such countries government officials commonly also demand bribes. The reason is usually pretty clear: it is that impoverished governments are unable adequately to remunerate their officials, and bribery, though illegal, is accepted as one of the means by which officials, including police officers, enhance their salary.

The notion of the "invitational edge" is useful because it draws our attention to how policing itself is structurally conducive to illegality and breaches of rules. The implication of this being that anyone placed in the position of a police officer would be similarly tempted. This is a conclusion that undermines easy condemnation and adopts what some criminologists

have called an "appreciative" stance towards other forms of deviancy.

There are many who would like to argue by saying that policing allows officers to become corrupt. Such a statement would not amount to much because many occupations do so, from small shop-keeping to being executives of multi-national companies. However, policing invites deviancy and that invitation, in undercover operations, is extended by those with a vested interest in subverting the enforcement of the law -- namely the participants in the illicit activity. They actively seek to ensnare officers in a web of mutual dependence and reciprocity that compromises the integrity of the police and, thus, safeguards their business interests.

Much more common, indeed endemic, is the breaking of the rules that supposedly govern police behaviour. Police officers take actions strictly forbidden by law, such as stopping and searching someone without the necessary grounds for suspicion. Equally, procedures designed to safeguard the rights of suspects and other vulnerable people might be ignored or circumvented. Improper bargains are sometimes struck with some suspects.

Policing is a thoroughly bureau-

STRAIGHT LINE

In societies where there is a large and threatening underclass, police misconduct is endemic. In more developed societies, especially where notions of universal citizenship are firmly established, it is more restrained, both quantitatively and qualitatively. Yet, the public in many societies tacitly conspire in police illegality, provided it is targeted at excluded groups and does not erupt into a public scandal.

cratized activity governed by voluminous rules and procedures that stipulate in great detail what the police should do in any situation. However, "invitational edges of corruption" enables us to see that these rules, far from being part of the solution, are often actually a principal cause of the problem.

Police organisations epitomise bureaucracy: they attempt to orchestrate the behaviour of officers through a dense set of rules and procedures. Police officers, like personnel in other bureaucracies, suffer the frustrations that any such organisation produces. The response of officers to these frustrations is to circumvent or subvert the formal rules, just as their counterparts do in other bureaucracies. However, police organisations belong to a distinctive sub-set of bureaucracy, that is they are "punishment-centred."

It is important to recognise that the above rules are almost purely negative in their effect: that is, police officers may be disciplined, prosecuted, or otherwise put into difficulties if they are seen to break the rules, but they will not necessarily be praised, or enjoy their work, or achieve their career objectives if they keep to them.

The "punishment-centred bureaucracy" of police organisations arises from the "invisible"

exercise of discretionary authority that leaves senior officers unable to effectively command their subordinates. The history of policing has been characterised by the attempts of senior officers to extend effective control over their subordinates. The threat of penalties for transgressions is one of the few available means of achieving this and, so, formal rules mushroom as particular problems surface from the depths of invisibility that surrounds most police work.

The "punishment-centered" style has consequences that can bring officers to the "invitational edges of corruption." The formal rules of the organisation are regarded with almost complete contempt and, perhaps, good reason. An incompetent, ineffective, and injudicious officer could remain in good standing in his department provided it cannot be shown by any accepted method of proof that he has violated some expressly formulated norm of conduct. This comes very close to saying that an officer who shows up for work, does what he is told to do and no more, and stays out of trouble, meets the criterion of adequacy demanded of him. "Real" police officers do more, and in so doing risk violating "inhibitory" and "presentational" rules.

A significant implication of "pun-

ishment-centred bureaucracy" is that it obliges senior officers to be hypocritical. They are aware that subordinates cannot police "according to the book," but they are obliged to maintain the fiction that policing is rule-governed. This creates the contradiction that police organizations are both "punishment-centered bureaucracies" and also notoriously indulgent; for senior officers and middle-ranking supervisors often give the "nod and a wink" to their subordinates, especially if the latter are achieving "results."

We know that discretion is an unavoidable corollary of policing: full enforcement of the law is impossible, and to attempt it would be undesirable. Laws, however specific they might appear, are universal precepts that must be applied to very specific circumstances. We also know that the use of discretion necessarily relegates legality to a secondary status, for the law is used selectively to enforce prevailing notions of respectability.

We also know that policing in modern liberal democracies involves the police living a lie: they pretend that they are mere servants of the law, whereas their daily experience is that they are, if anything, its master -- employing the law as and when necessary to achieve their discretionary goals. This is a situation calculated to encourage cynicism, for the ideals are not just unattainable they are actually inappropriate -- to enforce the law blindly would be to perpetrate massive injustice.

Policing is a scandal-prone occupation, not simply because the opportunities for illicit conduct exist, for they exist in almost any occupation. Temptation is more active than that: policing places

officers repeatedly at the "invitational edge of corruption," where exactly the same actions may be taken with proper or improper motives.

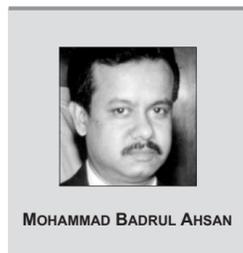
The reason for the above reality is that the police operate in a nether world just beyond the limits of respectability. In the fulfillment of their duties officers lie, deceive, conspire to allow illegal activities to continue, and use force. Yet, this can never be acknowledged, for the legitimacy of police authority in liberal democracy rests upon the myth that they impartially enforce the law according to "the book."

In situations as above, officers are repeatedly tempted to secure their purposes, which are often the same as those of the police organization itself, by exploiting the latitude that their role affords them. This might involve the accepting of bribes from, and performing corrupt services for, those with whom they are invited to establish close rapport. Often, officers have to ensure that those they believe to be guilty are convicted, or use excessive force against those who challenge or threaten them.

In societies where there is a large and threatening underclass, police misconduct is endemic. In more developed societies, especially where notions of universal citizenship are firmly established, it is more restrained, both quantitatively and qualitatively. Yet, the public in many societies tacitly conspire in police illegality, provided it is targeted at excluded groups and does not erupt into a public scandal.

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Hitting the Achilles' Heel



MOHAMMAD BADRUL AHSAN

MYTHS are like actors waiting in the wings, and make cameo appearance when history is ready to repeat. Once again it was evident last Monday when a small incident magnified to rock the country. A brawl at a soccer game between students and army men turned our streets into battlefields. Human follies is what we should blame for it. If anything it reminds me of a myth. It reminds me of the Achilles' Heel.

For the sake of those who may not remember it: When Achilles, a Greek hero, was an infant, his mother had dipped him in the river Styx, holding onto him by his heel. She had done it to make her son invulnerable where the waters touched him, which excluded areas covered by her thumb and forefinger. In the Trojan war, Achilles died when Paris fired a poisoned arrow and hit that spot in his heel.

Ever since then the phrase "Achilles' Heel" has been used as

CROSS TALK

One option could be that the government will try to have an honest dialogue with the students and avoid further conflicts. But the students must also realise that widespread vandalism that accompanied their agitation is totally unacceptable and has greatly damaged their acceptability. Sisyphus, a Greek mythology figure, was condemned to push a rock up a mountain, only to see it roll down again. The rock which was pushed up on January 11 is on the move again. Students, teachers and those who love this country shouldn't let it slide back.

an expression for a fatal weakness in spite of overall strength, which can lead one to downfall. Those who started it and those who couldn't preempt its spread, failed to realize that one small incident could have such widespread ramifications and turn into a showdown against this government. It looked as if all the educational institutions in the country were soaked in kerosene. One spark of discontent ignited a fire that is still burning.

It is possible that the politicians have fanned the fire to keep it going. In his address to the nation Wednesday night, the chief adviser blamed the violence on the "evil forces." He has also assured us that the government was forced to impose curfew to protect the lives and property of people. He further said that the curfew was a temporary step and would be withdrawn as soon as the situation improved.

That is one of the many ways the whole thing could turn out. But one

of the concerns is whether this should be seen as a sign of defiance. Has the violence on the streets and campuses made a crack on the fortified walls of the Emergency Rule? Has it jarred loose the grip of the semi-civilian government which had come to power with ironclad popularity?

Perhaps some or all of those in the government will bury their heads in the sand and like to think that nobody is watching. But the fact remains that the government should have avoided this confrontation.

To the extent that quick decision was taken to remove the army camp, and that the government itself, in effect, apologised to the students, it should have calmed the situation. But it was the police brutality of the first night that angered the students so.

Students are a difficult ballgame and no matter how much we want to ban their politics, politics infl-

trates homes through them when families see the world through the eyes of their children.

The most alarming part is that even if student politics can be crushed, it has the uncanny power to rise from its ashes. In 1968 two rival groups of students fought each other in Mexico City and the government responded by sending riot police next day to stop the accompanying vandalism and to arrest the perpetrators. These policemen attacked the students so ferociously that it led to country-wide protests, which engendered an unending cycle of university-state conflict leading to the Tlatelolco massacre. For the next 30 years, the fallout of this massacre reverberated through the Mexican society and shook it in its foundation.

The Mexican movement revealed the system for what it was: authoritarian, sometimes brutal, and primarily interested in making

the rich richer. Previously immune from governmental violence, the upper and middle classes learned through their children that they would be attacked if they questioned the system too closely. Scholars, both domestic and foreign, began criticising the system and calling for democratic reform. In 1997, the ruling party lost control of the lower house of Congress, the Mexico City government, and the governorships of several states.

The history is not to scare the government which has no intention to spend three decades in power. Yet the ultimate concern is that student revolts seldom die down and almost always lead to wider and deep-running conflicts. This is where the events of last few days leading to indefinite curfew in six divisional headquarters should ring a bell.

It is not exactly clear how the volatile situation is going to be resolved. A few days of curfew, expulsion of students from their dorms, closing of campuses are temporary solutions, and, if past is any experience, these measures are of limited value unless the real issues are addressed.. For last seven months, the political parties were looking for a lifeline and the government will throw that lifeline into their lap if it fails to tackle the present situation wisely.

The Wednesday night speech of the chief adviser did not tell us how that is going to be done. If the police becomes more repressive and the

army is used to quell the resistance, something which also took place in the Mexican experience, it is likely to push the politicians and people towards the students. Compounded with its failure to control prices and law and order, the overwhelming popularity of the government may continue to erode.

On the other hand, if the government decides to back out, it will expose its weakness. It will embolden the students and the politicians to further undermine its authority. In short, the tiny incident at a soccer field has discomfited the government. If it gets embroiled in this crisis, the reforms of political parties, crusade against corruption and holding of election by the end of next year will be disrupted.

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Sisyphus, a Greek mythology figure, was condemned to push a rock up a mountain, only to see it roll down again. The rock which was pushed up on January 11 is on the move again. Students, teachers and those who love this country shouldn't let it slide back.

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Japanese PM's Kolkata connection

CLOSEUP JAPAN

It has been reported in the Japanese press that the prime minister of Japan is making his trip to Kolkata to pay a courtesy call on the son of one of the judges of the Tokyo War Crimes Tribunal, who found none of the defendants guilty on any count and who, in his long dissenting judgment, acquitted the defendants of all the charges brought against them.

MONZURUL HUQ

AS this piece reaches the readers, I presume that the prime minister of Japan will still be in India, on the second stage of his three-nation Asia tour. Prime Minister Shinzo Abe left Tokyo this Sunday on a week-long tour that will take him to Indonesia, India and Malaysia. This will be his first official visit to India since he assumed office last September. In India, he will meet his counterpart, Prime Minister Manmohan Singh, and will also give a policy speech in the parliament, in which he plans to call for stronger bilateral cooperation between the two major economies.

the Indian prime minister, the Japanese leader is expected to seek cooperation from the country that has recently become not only a powerhouse in global economy, but also one of the largest greenhouse gas emitting states, on his "Cool Earth 50" initiative aimed at halving global emissions by 2050. Mr. Abe had earlier outlined this goal as a step towards creating a new framework agreement that would succeed the Kyoto Protocol which expires in 2012.

The two countries are also to conclude a currency swap agreement to help counter investor speculation in their respective currencies. Since a stable currency is a key to any country's continued

economic growth, the agreement will help India as it tries to attract foreign investors. A stable rupee will also be advantageous to Japan as the pace of Japanese investment in India is accelerating. In 2006, for example, Japan's direct investment in India doubled from the previous year to about 60 billion yen.

All this sounds pretty attractive and beyond any controversy. As a result, there should not be any doubt about anything going wrong during this very important visit for both the countries, as Japan too is keen on forging a closer relationship with the emerging Asian giant. But the itinerary of the Japanese prime minister includes a less

significant meeting far from the Indian capital New Delhi, at the very end of his visit. That gives a small hint that something controversial might be cooking up at the back. Abe is to make a brief stop-over in Kolkata, just next door to Bangladesh, to meet a person he considers very important to his heart.

To understand the depth of this importance, we have to look back briefly at one particular episode in Japan's recent past, that the Dutch scholar Ian Buruma described beautifully in his book, "Inventing Japan," in the following words: "On Christmas Eve 1948, a thin middle-age man in a shabby khaki uniform and a peaked cap was released from Sugamo prison. His soft lips formed a toothy smile as he boarded an American jeep.

Kishi Nobusuke had just spent three years in Sugamo jail as a Class A war crimes suspect. He had been General Tojo's minister of commerce and industry when Japan attacked Pearl Harbor. Before that, he had been the industrial czar of Manchukuo. He was, in fact, the nearest Japanese equiva-

lent to Albert Speer. His wartime responsibilities ranged from munitions to slave labour. If the war had been fought by soldiers, their conquests had been administered by people like him" (Inventing Japan, page 155).

It should be mentioned that just a couple of days before, on December 22, 1948, seven of the Japanese defendants at the Tokyo War Crimes Tribunal, including Tojo, were hanged at the same Sugamo prison after a simple meal of cold rice and sake. Kishi was lucky enough as the changing times changed the heart of the occupation authorities, which eventually paved the way for him to make a soft landing again at the helm of power straight from the prison. And he is the grandfather of the present Japanese prime minister, Shinzo Abe, whose vision of a beautiful Japan doesn't differ much from the grand old man he definitely admires.

It has been reported in the Japanese press that the prime minister of Japan is making his trip to Kolkata to pay a courtesy call on the son of one of the judges of the

Tokyo War Crimes Tribunal, who found none of the defendants guilty on any count and who, in his long dissenting judgment, acquitted the defendants of all the charges brought against them.

Judge Radhabinod Pal, the Indian judge in the tribunal, was probably the most well versed in international law among all the eleven judges. He was also a scholar of international repute who had been highly admired in India. Moreover, none of his speeches and writings gives any clear indication of any politically biased inclination that might have influenced him indirectly to come to such a controversial conclusion. As a result, one wonders what prompted him to decide that what General Tojo and his followers did in Manchuria, Nanjing and many other places did not merit to be called war crimes, because those who were judging them did the same in other places they conquered and ruled.

Judge Pal was obviously in need of strong evidence and examples to prove what he said in his dissenting judgment, and he tried to present all such arguments in a lengthy

written form that might have taken up much of his time in Tokyo. Writing a judgment covering almost 1,200 pages no doubt requires time and energy, and Judge Pal did not hesitate to give time for that purpose, most likely at the expense of the court proceedings that judges are not supposed to skip.

American Scholar John Dower, in his acclaimed account of post World War II Japan, "Embracing Defeat," gives us a hint that Judge Pal probably knew how he intended to vote before being seated at the tribunal. For, Dower reminds us, Judges Pal and Webb were notably absent from portions of the proceedings (Embracing Defeat, page 465). So, there is a possibility that the Indian judge might have taken up the seat with a preconceived judgment, a highly controversial position that runs contrary to what a free and fair trial is supposed to be.

But for those who in Japan tend to look at the country's wartime history with a feeling of nostalgia and humiliation, Judge Pal had immediately become a hero, and the worship of such a hero has long been shifted to its right place -- the

controversial Yasukuni shrine that, from time to time, fans the feeling of distrust and suspicion among Japan's neighbours. The Yasukuni shrine has a museum adjacent to it that largely displays items related to Japan's past wars. Until a few years ago, it also displayed a large portrait of Judge Pal, which was replaced recently by a life-size bust. Skeptics in Japan say that since the museum cannot show any portrait or bust of Tojo publicly, therefore, Judge Pal represents sort of a proxy for Japan's war-time leader, as he had acquitted him of all the charges of war crimes.

As a result, Abe's visit to Kolkata to pay respect to the deceased Indian judge of the Tokyo War Crimes Tribunal is seen by many in Japan, and probably also in neighbouring countries, as a sort of a proxy visit to Yasukuni shrine at a time when he refrains from going there personally just to appease the neighbours.

Monzurul Huq is a Daily Star columnist.